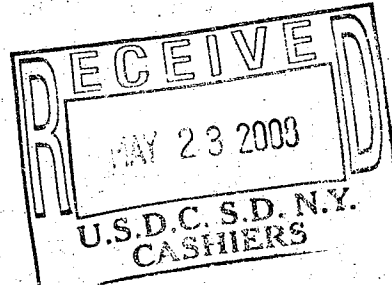


BAKER & HOSTETLER LLP

Thomas A. Canova (TC 7270)
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201

Deborah A. Wilcox (Ohio Bar No. 0038770)
3200 National City Center
1900 East 9th Street
Cleveland, OH 44114
Telephone: (216) 621-0200
Facsimile: (216) 696-0740

Attorneys for Plaintiff
pediped Infant Footwear, LLC



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEDIPED INFANT FOOTWEAR LLC,

Plaintiff,

v.

KUDOS LEATHERGOODS LTD d/b/a
JACK AND LILY and ROBERT THOMAS
BUELL, Individually,

Defendants.

CASE NO. 08-CIV-3572

**FIRST AMENDED COMPLAINT FOR TRADE
DRESS INFRINGEMENT, DILUTION, AND
UNFAIR COMPETITION**

Jury Trial Demanded

Plaintiff pediped Infant Footwear LLC ("pediped"), by and through its attorneys, Baker & Hostetler LLP, brings this First Amended Complaint for Trade Dress Infringement, Dilution, and Unfair Competition against Defendants Kudos Leathergood Ltd d/b/a Jack and Lily ("J&L") and Robert Thomas Buell ("Buell") (J&L and Buell are referenced collectively hereinafter as "Defendants") and alleges as follows:

Nature of the Action

1. This is an action for trade dress infringement, dilution, and unfair competition in violation of federal and state law.

The Parties

2. Pediped is a limited liability company duly organized and existing under the laws of the State of Nevada, having an office and place of business at 1191 Center Point Drive, Henderson, Nevada.

3. Pediped is in the business of designing, marketing, and selling footwear for infants and young children.

4. Upon information and belief, J&L is a limited partnership organized and existing under the laws of British Columbia, Canada, having an office and place of business at 720 Alexander Street, Vancouver, British Columbia.

5. J&L also markets and sells footwear in the United States for infants and young children.

6. Upon information and belief, Buell is J&L's owner and President, residing at 7370 Laburnum Street, Vancouver, British Columbia, and having an office and place of business at 720 Alexander Street, Vancouver, British Columbia.

7. Upon information and belief, Buell is involved in the day-to-day business operations of J&L and has authorized, approved, personally committed, actually participated in and/or is a principal force behind the acts complained of herein. Upon information and belief, Buell is a conscious, dominant, and active force behind the

manufacturing, marketing, offering for sale and distribution of the products from which this action arises.

Jurisdiction and Venue

8. This is an action for trade dress infringement and unfair competition under the federal Lanham Act, 15 U.S.C. §§ 1051-1127, and for unfair competition and trade dress dilution under the statutory and common law of the State of New York.

9. This Court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. §§ 1338 and 1367 and 15 U.S.C. § 1121.

10. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(d) because Defendants are aliens. A substantial part of the events and omissions giving rise to the claims herein occurred in this district.

pediped's Distinctive Soft-Soled Footwear

11. Formed in May 2004, pediped is one of the leading and fastest growing companies in the children's footwear industry.

12. Pediped and J&L are direct competitors in the children's footwear industry in the United States.

13. Pediped strives to produce children's footwear of exceptionally high quality, using only the best materials and methods of production and quality assurance.

14. The speed of pediped's growth is dizzying. At the end of 2005, pediped was selling into 350 stores. That number had increased to 1,200 stores at the end of 2006 and about 2,500 at the end of 2007. Pediped footwear has been sold through more than 3,000 stores worldwide.

15. The pediped Originals line of children's footwear, photographs of which are attached hereto as Exhibit 1, features a distinctive trade dress. Representative examples of such trade dress are attached hereto as Exhibit 2, but the exclusion of any particular pediped product should not be construed against its relevance to this action.

16. There are seven key dimensions involved in designing the pediped shoes: ball girth, waist girth, instep girth, toe spring, toe recede, heel curve and stick length. Each variation of these dimensions results in a different look of a shoe. Pediped worked hard to find the perfect combination of the seven dimensions to create shoes with unique and distinctive stylization. A great deal of effort, time, and resources went into ascertaining the proportions needed to create this distinctive shape with various cutting dies, the lasts (the model foot from which pediped makes the patterns) and the curing procedures (at what temperature and for what amount of time). It is virtually impossible for a company to create a shoe that is identical in shape to pediped's line of soft-soled shoes without having the last design and cutting dies used to create pediped soft-soled shoes.

17. This distinctive trade dress comprises, with respect to design, an overall look that is more sophisticated and adult-like than other infant footwear; a black sole with highly visible white hand-stitching, spaced to create a stylized rippled effect around the entire shoe; a unique profile which creates an asymmetrical, rounded-boxy, and formed look; a roomy toe box; a sole visually small compared to the upper; and a white sewn-in tag on the end of the Velcro strap. This distinctive trade dress comprises also, with respect to packaging, a sturdy, purple, textured, and hinged box with a clear plastic window; the pediped logo and tag line situated above the plastic window, with the tag line printed in smaller font; a description of the product positioned at the bottom of the box, below the window; the left and right sides of

the box adjoining the window of equal proportion to each other; the top portion of the box adjoining the window more than twice the height of the bottom portion of the box adjoining the window, and the pediped bear logo and company information on the back of the box (the foregoing design and packaging elements are referenced collectively hereinafter as the “pediped Trade Dress”).

18. The packaging elements of the pediped Trade Dress are inherently distinctive and serve to identify pediped as the unique source of products packaged in this fashion.

19. Pediped has marketed and sold the specific overall design of children’s footwear embodying and packaged in the pediped Trade Dress continuously since early 2006. Other than J&L’s shoes and packaging that are the subject of this Complaint, no shoes and packaging in the marketplace resemble the pediped Trade Dress.

20. Sales of pediped shoes have been beyond expectations. In 2005, total revenues were approximately \$300,000. In 2006, the sales grew to over \$2.2 million. Pediped’s growth continued in 2007, with total sales of over \$7.6 million. Sales for 2008 are projected at \$16 – 20 million, and \$50 million by 2010.

21. Pediped spent over one million dollars in 2007 advertising its distinctive products. For 2008, advertising expenditures are expected to reach at least \$1.7 million. Total expenditures from 2005 to date are over \$2.2 million. Examples of pediped’s advertising are attached hereto as Exhibit 3.

22. The popularity of pediped soft-soled footwear with celebrities adds to its reputation and recognition among consumers, who notice when the children of celebrities are photographed in pediped shoes even if the logo is not visible in the photograph.

23. Pediped's products have received numerous awards and similar recognition, examples of which are attached hereto as Exhibit 4. In addition, pediped has received substantial unsolicited media coverage, examples of which are attached hereto as Exhibit 5.

24. Pediped already has taken measures to protect the pediped Trade Dress when it was copied by other competitors.

25. In addition to the packaging elements of the pediped Trade Dress being inherently distinctive, as a result of pediped's continuous and substantial sales, marketing, advertising, promotion, and unsolicited media coverage, and as evidenced by copying by competitors, the pediped Trade Dress has become known to the trade and the public throughout the United States and other countries worldwide and has acquired secondary meaning inasmuch as consumers and members of the trade have come to recognize products embodying and packaged in the pediped Trade Dress as originating with, sponsored, or approved by pediped. The pediped Trade Dress has acquired enormous value and recognition.

Defendants' Infringing Products and Packaging

26. Defendants market and sell children's footwear that is in direct competition with and sold through the same channels of trade and retail outlets as pediped's products.

27. Defendants' existing line of footwear, photographs of which are attached hereto as Exhibit 6, is distinct in overall appearance from pediped's lines. Defendants' packaging for this line, photographs of which are attached hereto as Exhibit 7, is likewise distinct from pediped's packaging.

28. Rather than competing legitimately through the existing line and packaging, Defendants are offering for sale a new line of children's footwear that it slavishly copied from and that closely resembles pediped's distinctive product and packaging. Defendants' products and packaging at issue in this action include, but are not limited to, those identified in Exhibit 8 hereto, wherever sold, and any products and packaging subsequently developed and/or sold by Defendants that infringe the pediped Trade Dress (hereinafter collectively referenced as the "Infringing Products and Packaging").

29. Upon information and belief, as owner and President of J&L, Buell controls J&L and profits from J&L's business activities, including the sale of the Infringing Products and Packaging. Upon information and belief, Buell is directly responsible for the conduct of J&L set forth in the preceding paragraph and all decisions with respect to the Infringing Products and Packaging alleged herein.

30. Defendants' shoe design is indistinguishable from the pediped soft-soled shoe design. Defendants are marketing the identical shoe, in identical proportions, and even the strap is the same. It is beyond coincidence that Defendants' shoes would use the same seven dimensions for making shoes that pediped does, given the huge number of combinations mathematically available that would still result in appealing children's shoes.

31. Defendants' Infringing Products and Packaging include many of the distinctive features of the pediped Trade Dress identified above, including but not limited to

white stitching on black soles; stylized rippling around the entire shoe; the exact shoe dimensions that result in a profile with pediped's asymmetrical, rounded-boxy, and formed look; a roomy toe box; a visually small sole; a white sewn-in tag on the end of the strap of the shoe; colored boxes with handles, which have the same overall size and shape as pediped's boxes, have plastic windows of the same size and shape, and have the same proportions on the front of the box surrounding the window—the left and right sides adjoining the window being of equal proportion to each other and the top adjoining the window being more than twice the height of the bottom adjoining the window—and a logo placed above the window, with additional wording located beneath the logo in smaller font and below the window.

32. The overall look of Defendants' Infringing Products and Packaging is substantially the same as the distinctive pediped Trade Dress. By way of example only, Exhibit 9 hereto shows side-by-side photographs of pediped's Samantha, Olivia, Katelyn, Colin, Abigail, and Tyler styles and Defendants' corresponding style numbers 181, 412, 411, 402, 171, 251, and 252. In addition, Exhibit 9 illustrates the similarity of tag placement and packaging between pediped's and Defendants' products.

33. As Exhibit 9 illustrates, Defendants copied pediped's better-selling styles in particular, using the same colors and design features.

34. Defendants' style number 181 shoe is a replica of pediped's Samantha shoe. In addition to copying the dimensions and proportions, type of strap, distinctive white stitching on dark sole and stylized rippling encompassed in pediped's soft-soled line, the 181 shoe duplicates pediped's Samantha color combinations (pink and brown) and color shades, and features these colors in the very same locations as on the Samantha shoe. The 181 shoe also makes use of pediped's double white stitch on the upper portion of the shoe, with circular

cut-outs in between the stitches showing off the underlying pink leather. The 181 features pediped's unique scalloping found in several of its other designs (e.g., the Katelyn and Zoe styles).

35. Defendants' style number 412 shoe is an imitation of our Olivia shoe. From the white leather and placement of the white bow to the six cut-out designs in identical locations on the upper portion of the shoe, everything is copied from pediped's shoe. The 412 also features pediped's scalloped edging found on its other designs, as well as the same dimensions and proportions, type of strap, distinctive white stitching on black sole and stylized rippling found across pediped's soft-soled line. The 412 features cut-outs on the back of the shoe, which are taken from some of pediped's other shoes (e.g., Katelyn and Colin styles).

36. Defendants' style number 411 shoe is a knock-off of pediped's Katelyn shoe. The pink leather, scalloped edging and cut-outs on the front and back of the upper portion of the shoe are all taken from the Katelyn style. The placement of the bow on 411 is identical to the placement on many of pediped's other styles of footwear in its soft-soled line. The 411 again uses the same dimensions and proportions, type of strap, distinctive white stitching and stylized rippling found across pediped's soft-soled line.

37. Defendants' style number 402 shoe is pediped's boy's Colin shoe with only the subtlest of changes. The front upper portion of the shoe features similar vertical stitching, the same strap and t-strap loop, as well as the same u-shaped cut-outs near the strap and additional cut-outs along the sides and back. Again, the 402 copies the same dimensions and proportions, stylized rippling and distinctive white stitching on black sole found across pediped's soft-soled line.

38. Defendants' style number 171 shoe is a copy of pediped's Abigail design. From using pink leather and similar flower artwork on the upper front of the shoe, to using the same dimensions and proportions, strap, stylized rippling and distinctive white stitching on black sole found across pediped's soft-soled line, the 171 has the same look and feel as pediped's Abigail. In addition, the 171 copies the scalloping featured on pediped's other designs and features a sewn-in tag on the strap of the shoe (as does most of pediped's soft-soled line of footwear).

39. Defendants' style numbers 251 and 252 shoes are direct copies of pediped's boy's Tyler shoe. The 251 and 252 are identical in nearly every respect, including overall look, shape, style and two choices of leather color (brown or navy). The only minimal difference is the stitching pattern on the lower front of the upper portion of the shoe. These shoes also make use of the same dimensions and proportions, stylized rippling, strap and distinctive white stitching on black soles found across pediped's soft-soled line.

40. On or about March 11, 2008, pediped attended the ENK Children's Club show at the Jacob Javits Center in New York. Pediped learned that Defendants were taking orders at the same show for the Infringing Products and Packaging. Upon information and belief, this offering for sale of the Infringing Products and Packaging was done with Buell's knowledge and consent, and Buell exercised control over J&L in such transactions.

41. Defendants' web site at <http://www.jackandlily.com/>, printouts of which are attached hereto as Exhibit 10, displays the Infringing Products and Packaging and claims they will be available April 20, 2008. On their web site, Defendants even copy the descriptors pediped uses to market its line of soft-soled shoes.

42. Upon information and belief, Defendants set upon a course of conduct to slavishly copy pediped's distinctive products and packaging for the purpose of trading on and taking advantage of the goodwill and reputation associated with pediped and its celebrated products.

43. Upon information and belief, Buell had specific knowledge of the distinctive pediped Trade Dress and directed J&L in slavishly copying the pediped Trade Dress for the purpose of trading on and taking advantage of pediped's goodwill and reputation.

44. Defendants' Infringing Products and Packaging are so similar to pediped's Trade Dress as to result in a high likelihood of confusion, mistake, or deception as to the source or sponsorship of Defendants' products at the trade, retail, and consumer levels. In fact, eBay seller momto1ba2gs, in a pre-release auction for Defendants' products attached hereto as Exhibit 11, highlights their similarity to pediped's products.

45. Pediped delivered by hand a cease and desist letter to J&L on March 11, 2008, at the ENK Children's Club show. Defendants did not indicate they would cease producing, marketing, or selling the products at issue and to the contrary, have continued to sell the products and display them on their web site.

46. Through investigation, pediped learned that as recently as April 2008, Buell was offering Defendants' "My Shoes" collection, which includes the Infringing Products and Packaging, for sale. In so doing, Buell personally and expressly touted the features of the Infringing Products and Packaging and provided contact information for Defendants' sales representative in Southern California.

47. Upon information and belief, Defendants continue to sell the Infringing Products and Packaging.

48. Defendants' Infringing Products and Packaging are irreparably damaging to pediped. Defendants have not incurred the costs, either in research and development or in advertising, that pediped has incurred in creating and publicizing the unique pediped Trade Dress. This unfair competitive advantage will allow Defendants to undercut pediped's price to customers and surpass pediped's compensation to its sales representatives.

49. Since Defendants' existing line of shoes is sold in nearly 1000 retail stores that also sell pediped's shoes, Defendants' misappropriation of pediped's intellectual property is likely to result in an immediate loss of sales that would destroy the pediped brand. Customers are likely to be deceived or confused to the effect that the Infringing Products and Packaging are a new line from or brand extension of pediped. Once Defendants have captured pediped's customers through confusion, Defendants could switch to shoddier, less expensive materials for the Infringing Products and Packaging, causing further irreversible damage to pediped's reputation and goodwill. In addition, Defendants' use of unsophisticated and tacky elements on the shoes at issue (e.g., pirates, anchors, the word "prince") is likely to erode the high-end, sophisticated image pediped has endeavored to create.

50. In addition, Defendants permit almost anyone to sell their shoes, including retailers who likely sell only online. Such indiscriminate distribution would irreparably damage pediped's overall image and reputation. Pediped is enormously protective of its brand. To maintain the brand's panache, pediped is extremely selective with respect to the persons and companies authorized to sell its shoes. Pediped does not sell to stores that operate solely online. Moreover, pediped has an exhaustive and thorough screening process

and rejects many applicants. Defendants' style of doing business will cheapen pediped's image. It will also upset pediped's retailers, undermine their business, and likely cause them to stop selling pediped's products.

COUNT I

[Federal Trade Dress Infringement]

51. This cause of action arises under the federal Lanham Act, 15 U.S.C. §§ 1051-1127, and is to remedy infringement of the unregistered pediped Trade Dress in accordance with 15 U.S.C. § 1125(a).

52. Pediped repeats and realleges the allegations of the foregoing paragraphs as if fully set forth herein.

53. For over two years, pediped has marketed and sold its Originals line of children's footwear using the distinctive pediped Trade Dress. The pediped Trade Dress, including the design of the footwear itself and the packaging therefor, is inherently distinctive, and as a result of widespread sales and attendant advertising and promotion and unsolicited media coverage, and as evidenced by copying by competitors, the pediped Trade Dress further has become distinctive to members of the trade, to retailers, and to consumers.

54. The distinctive, original, and arbitrary pediped Trade Dress, which identifies pediped as the source of its Originals line of children's footwear, encompasses a combination of the elements set forth in foregoing paragraph 17, which are non-functional in combination. The overall look of pediped's footwear and its packaging is upscale, refined and unique to pediped.

55. Defendants, knowing of the valuable goodwill and extensive recognition pediped has already established in the marketplace for its Originals line of children's footwear and packaging therefor and intending to trade upon that goodwill and recognition, are deliberately offering for sale, selling, promoting, and marketing the Infringing Products and Packaging, which are confusingly similar to the distinctive pediped Trade Dress.

56. The aforesaid activities of Defendants in marketing the Infringing Products and Packaging in commerce constitute infringement of the pediped Trade Dress in violation of Section 43(a) of the Trademark Act of 1946, 15 U.S.C. § 1125(a), in that Defendants' activities are likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with pediped, or as to the origin, sponsorship, or approval of Defendants' goods with or by pediped.

57. By reason of the acts of Defendants as alleged herein, pediped has suffered and, unless Defendants' acts are enjoined, will suffer irreparable damage to its reputation and the loss of sales and profits pediped would have made but for the acts of Defendants.

58. Defendants' activities as set forth previously are irreparably damaging to pediped. Pediped has been damaged by the acts of Defendants in an amount as yet unknown but believed to be millions of dollars.

COUNT II

[Federal Unfair Competition]

59. This cause of action arises under the federal Lanham Act, 15 U.S.C. §§ 1051-1127, and is to remedy unfair competition in violation of 15 U.S.C. § 1125(a).

60. Pediped repeats and realleges the allegations of foregoing paragraphs 1 through 50 as if fully set forth herein.

61. Defendants, in offering for sale, selling, promoting, and marketing the Infringing Products and Packaging, which copy the trade dress, design, overall look, and packaging of pediped's Originals line of children's footwear, are using in commerce, on or in connection with the sale of children's footwear, a word, term, name, symbol, or device, or any combination thereof, or a false designation of origin, false or misleading description of fact, or false or misleading representation of fact, which, in commercial advertising or promotion, misrepresents the nature, characteristics, qualities, or geographic origin of Defendants' goods or commercial activities in violation of Section 43(a) of the Trademark Act of 1946, 15 U.S.C. § 1125(a).

62. By reason of the acts of Defendants as alleged herein, pediped has suffered and, unless Defendants' acts are enjoined, will suffer irreparable damage to its reputation and the loss of sales and profits pediped would have made but for the acts of Defendants.

63. Defendants' activities as set forth previously are irreparably damaging to pediped. Pediped has been damaged by the acts of Defendants in an amount as yet unknown but believed to be millions of dollars.

COUNT III

[Violation of New York General Business Law Sec. 133]

64. This cause of action arises under New York General Business Law Section 133.

65. Pediped repeats and realleges the allegations of foregoing paragraphs 1 through 50 as if fully set forth herein.

66. Pediped has acquired a unique reputation for providing the highest quality of products embodying and packaged in the pediped Trade Dress. As one of the fastest rising brands of children's footwear in the United States, pediped has attained a position of eminence in its field and is considered by the public as a leader in the children's footwear industry. The pediped Trade Dress is synonymous with excellence and the highest quality of children's footwear. The pediped Trade Dress has acquired a recognition with the trade, with retailers, and with the consuming public.

67. After pediped's extensive use and promotion of the pediped Trade Dress, Defendants deceptively began offering the Infringing Products and Packaging, which, as set forth previously, closely simulate the pediped Trade Dress.

68. Upon information and belief, Defendants' offering for sale, selling, marketing, and promotion of the Infringing Products and Packaging, which utilize or infringe the pediped Trade Dress, was done with the purpose of confusing the public, and for the purpose of taking advantage of pediped's goodwill and reputation in connection with its children's footwear, including the sustained excellence and character of pediped's product.

69. By reason of Defendants' assumption, adoption, and/or use of elements of the pediped Trade Dress for advertising and trade purposes with intent to deceive or mislead the public, which is likely to deceive or mislead the public as to the identity of J&L or as to the connection of J&L with pediped, pediped has been and is being injured and damaged in its business and property by a loss of actual and potential customers, a loss of its goodwill, and a

diminution of its business reputation, all in violation of New York General Business Law Sec. 133.

70. By reason of the acts of Defendants as alleged herein, pediped has suffered and, unless Defendants' acts are enjoined, will suffer irreparable damage to its reputation and the loss of sales and profits pediped would have made but for the acts of Defendants.

71. Defendants' activities as set forth previously are irreparably damaging to pediped. Pediped has been damaged by the acts of Defendants in an amount as yet unknown, but believed to be millions of dollars.

COUNT IV

[Dilution and Injury to Business Reputation in Violation of New York General Business Law Sec. 360-1]

72. This cause of action arises under New York General Business Law Section 360-1.

73. Pediped repeats and realleges the allegations of foregoing paragraphs 1 through 50 as if fully set forth herein.

74. Pediped has acquired a unique reputation for providing the highest quality of products embodying and packaged in the pediped Trade Dress. As one of the fastest rising brands of children's footwear in the United States, pediped has attained a position of eminence in its field and is considered by the public as a leader in the children's footwear industry. The pediped Trade Dress is well known to the consuming public throughout the United States as identifying and distinguishing pediped as the exclusive and unique source of

products that embody or are packaged in such trade dress, which is synonymous with excellence and the highest quality of children's footwear. The pediped Trade Dress has acquired an exceptionally strong recognition with the trade, with retailers, and with the consuming public.

75. After pediped's extensive use and promotion of the distinctive pediped Trade Dress, Defendants deceptively began offering the Infringing Products and Packaging, which, as set forth previously, closely simulate the pediped Trade Dress.

76. Upon information and belief, Defendants' offering for sale, selling, marketing, and promotion of the Infringing Products and Packaging, which utilize or simulate the pediped Trade Dress, was done for the purpose of taking advantage of pediped's goodwill and reputation in connection with its children's footwear, including the sustained excellence and character of pediped's product, and is likely to cause injury to pediped's business reputation or dilution of the distinctive quality of the pediped Trade Dress.

77. By reason of the foregoing, pediped has been and is being injured and damaged in its business and property by a loss of its goodwill, a diminution of its business reputation, and a dilution in the distinctive quality of the pediped Trade Dress, all in violation of New York General Business Law Sec. 360-1.

78. By reason of the acts of Defendants as alleged herein, pediped has suffered and, unless Defendants' acts are enjoined, will suffer irreparable damage in the form of the dilution and whittling down of the identity and reputation of the distinctive pediped Trade Dress.

79. Defendants' activities as set forth previously are irreparably damaging to pediped. Pediped has been damaged by the acts of Defendants in an amount as yet unknown, but believed to be millions of dollars.

COUNT V

[New York Common Law Unfair Competition]

80. This cause of action arises under the common law of the State of New York.

81. Pediped repeats and realleges the allegations of foregoing paragraphs 1 through 50 as if fully set forth herein.

82. The pediped Trade Dress is distinctive enough to become recognized as a public guaranty of origin and quality and has become recognized as such, which is sufficient for protection under the common law of New York. Pediped has further acquired a unique reputation for providing the highest quality of products embodying and packaged in the pediped Trade Dress. As one of the fastest rising brands of children's footwear in the United States, pediped has attained a position of eminence in its field and is considered by the public as a leader in the children's footwear industry. The pediped Trade Dress is synonymous with excellence and the highest quality of children's footwear. The pediped Trade Dress has acquired a recognition with the trade, with retailers, and with the consuming public.

83. After pediped's extensive use and promotion of the pediped Trade Dress, Defendants deceptively began offering the Infringing Products and Packaging, which, as set forth previously, closely simulate the pediped Trade Dress.

84. Upon information and belief, Defendants' offering for sale, selling, marketing, and promotion of the Infringing Products and Packaging, which utilize or infringe the pediped Trade Dress, was done with the purpose of confusing the public, and for the purpose of taking advantage of pediped's goodwill and reputation in connection with its children's footwear, including the sustained excellence and character of pediped's product, and is likely to cause confusion in the trade, with retailers, and in the consuming public as to the origin, sponsorship, or approval of Defendants' goods with or by pediped.

85. By reason of the foregoing, pediped has been and is being injured and damaged in its business and property by a loss of actual and potential customers, a loss of its goodwill, and a diminution of its business reputation, all in violation of the common law of unfair competition of the State of New York.

86. By reason of the acts of Defendants as alleged herein, pediped has suffered and, unless Defendants' acts are enjoined, will suffer irreparable damage to its reputation and the loss of sales and profits pediped would have made but for the acts of Defendants.

87. Defendants' activities as set forth previously are irreparably damaging to pediped. Pediped has been damaged by the acts of Defendants in an amount as yet unknown, but believed to be millions of dollars.

PRAYER FOR RELIEF

Wherefore, pediped prays that:

1. Defendants, their officers, agents, servants, employees, franchisees, licensees, attorneys, parents, subsidiaries, related companies, and all others in active concert

with J&L, Buell, and/or one or more of the foregoing, and each of them, who receive actual notice of the order, be preliminarily and permanently restrained and enjoined from:

a. manufacturing, advertising, offering for sale, selling, distributing, marketing, transporting, delivering, or in any way attempting to sell or resell the Infringing Products and Packaging, or any other products embodying or packaged in trade dress so similar to the pediped Trade Dress as to be likely to cause confusion, mistake, or deception; and

b. further diluting the pediped Trade Dress or otherwise unfairly competing with pediped through products or packaging similar to pediped's products and packaging.

2. Defendants, their officers, agents, servants, employees, franchisees, licensees, attorneys, parents, subsidiaries, related companies, and all others in active concert with J&L, Buell, and/or one or more of the foregoing, and each of them, who receive actual notice of the order, be required to deliver up for destruction their inventory of Infringing Products and Packaging and any other products or packaging confusingly similar to the pediped Trade Dress.

3. Defendants, their officers, agents, servants, employees, franchisees, licensees, attorneys, parents, subsidiaries, related companies, and all others in active concert with J&L, Buell, and/or one or more of the foregoing, and each of them, who receive actual notice of the order, be required to deliver up for destruction all advertising, sales, and promotional materials depicting any of the Infringing Products and Packaging, and all plates, molds, matrices, and other means of making said materials.

4. Defendants be ordered to send written notification to all of their customers who have purchased the Infringing Products and Packaging and any other products and packaging confusingly similar to the pediped Trade Dress, requesting that all unsold inventory be expeditiously returned to Defendants and informing them that these products are infringements of pediped's distinctive trade dress.

5. Pediped be awarded Defendants' profits, compensatory damages, and all other monetary harm sustained by pediped due to Defendants' infringement of the pediped Trade Dress, including but not limited to pediped's lost profits, and that the amount of profits and damages be trebled.

6. Defendants be required to pay pediped the cost of this action, together with reasonable attorneys' fees and disbursements.


7. Pediped be awarded such other and further relief as this Court deems just and proper.

DEMAND FOR JURY TRIAL

A trial by jury is hereby demanded on all issues so triable.

Dated: New York, New York
May 23, 2008

BAKER & HOSTETLER LLP

By: 
Thomas A. Canova (TC 7270)
45 Rockefeller Plaza
New York, NY 10111
(212) 589-4200 – phone
(212) 589-4201 – fax
Attorneys for the Plaintiff
pediped Infant Footwear, LLC

501894892

EXHIBIT 1

pediped



Next best thing to bare feet

home

shop

why pediped™?

originals

flex

testimonials

photo gallery

media

store locator

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FLEX
2 to 5 years

login
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girls

0-2 years

2-5+ years

boys

0-2 years

2-5+ years

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all

size

Originals™ Collection

0-3 months (XXS)

0-6 months (XS)

6-12 months (S)

12-18 months (M)

18-24 months (L)

Flex™ Collection

EU 22 (US 6-6.5)

EU 23 (US 7)

EU 24 (US 7.5-8)

EU 25 (US 8-8.5)

EU 26 (US 9-9.5)

EU 27 (US 10-10.5)

EU 28 (US 11-11.5)

EU 29 (US 12)



Abigail - Mauve



Abigail - Navy/Pink



Abigail - Pink



Aidan - White/Navy



Anastasia - Pink



Andrew - Choc Brown
(boot)



Annie - Polypour



Caroline - Navy

pediped
Originals



Caroline - Pink



Caroline - White



Charlie - Black



Charlie - Choc Brown



Charlie - White/Tan



Collin - Choc Brown



Ethan - Camouflage



Ethan - Choc Brown
Suede



Faith - White Patent



Giselle - Choc Brown w/
Polka Dots



Grace - Brown w/ Dots



Hannah - Pink
[boot]



Harvey - Brown



Harvey - Navy



Isabella - Choc Brown



Isabella - White



Jane - Pink Camo



Janine - Pink/Navy



Katelyn - Pink



Katelyn - White



Lauren - White/Pink



Lexi - Pink Cheetah



Liam - Choc Brown/Baby Blue



Liam - Khaki/Olive



Liam - Tan/Brown



Liam - White/Navvy



Lola - Metallic Pink



Modeline - Choc Brown/
Pink



Nothan - Navy



Nina - Black Patent



Olivia - Brown



Olivia - White



Samantha - Pink/Brown



Sophia - Black



Tyler - Brown



Tyler - Navy



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EXHIBIT 2

























EXHIBIT 3

Earnshaw's

INFANTS', GIRLS' AND BOYS' WEAR REVIEW

JUNE 23/30, 2008

Identity Crisis

Brand-Building
Fundamentals

Clothes Minded

SG Footwear Steps
Into Apparel

Web Browser

Capturing Online Sales

Top Rated

Hot Props Leap From
The Small Screen

Creative License

Top-notch
Brands Add
Character

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90
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She added that accessories and items like diaper bags "go like crazy" online, while bunkers don't sell well because consumers like to touch them. While she has always been open to online retailers, some of her vendors are still unsure. "There are some brands who won't sell to online retailers, or limit the number of online retailers that sell their products. I think this is a mistake because the online market is growing every day," Bigler added.

Lynn Meyer, a New York-based rep for brands like Extrasmall, MP Socks and Bunkies reported that both she and her vendors are comfortable working with e-tailers, though she doesn't drop ship. "I find that the furniture and (jewelry products)-oriented sites ask for drop shipping, but apparel suppliers don't want to do it," she said. Meyer checks out the businesses before selling to them, but from there she doesn't patrol the shops. "When e-tailers go into business and set up the parameters for their company, they don't usually wish to midstream from specialty to off-price," she said, adding, "I haven't been burned. Maybe I'll feel differently if that happens."

A successful online business, Parker of Rock Toss stated, is running a Web site like a store. She employs an expert Web designer to keep the site looking fresh, hip and clean. "Know that [the Web site] is your store," she advised. "Would you let your store look like junk? You have to invest in your storefront, which happens to be your computer. People are scared; if things don't look the right way, they are scared to buy. We love our bright appearance; it's fun. We spend money to change ads and pages, but you would do that in your store." Branding is key, and can earn the trust of both manufacturers and customers. "It's really important that people know where their product is coming from," Adamstein added.

Grant of eMarketer agreed that a combination of retail outlets might be the key to success. "People who shop across multiple channels tend to be bigger spenders—more educated, more tech savvy," he said. "You can use your Web site and your store to accomplish different objectives," he suggested. Like showing a wider product selection online, where space is

not at a premium or showing high-end goods. "It seems like it's easier for online retailers to sell higher-end items because their customer base is not limited to their local demographics," Bigler said.

Reps and retailers agree that there are advantages to having both a brick-and-mortar store and an online presence. "Manufacturers will sell to [e-tail-only businesses], but they are not just going to sell to anyone. If they have a brick-and-mortar store I will sell to them, and then they can put it on their site," Tentan said, suggesting that all stores have an e-commerce site to remain competitive. "If you're serious about service in this market, you cannot do one without the other," stated Ali Wang, CEO and founder of Giggle, with retail locations in San Francisco and New York as well a strong e-tail site. "[For example, customers are] looking for help when it comes to purchasing. On the Web, we can give checklists or guidance as a resource. For things like basics, it is a good replenishment resource. To me, it's just an extension of [the service we provide in store]. They are two halves of the whole." ■



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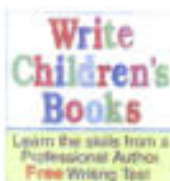
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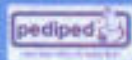
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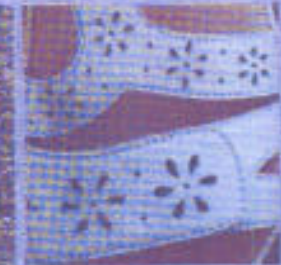
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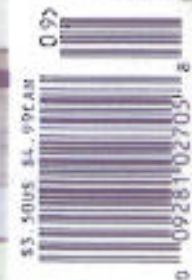
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remember how much fun they had on the journey, they'll be raring to go on another one—and your future travels together will become a lot easier. While you're away, have kids keep a journal of their impressions, written on the back of local postcards. Send them home so everyone can read them when they get back, then put them in a trip scrapbook. Don't forget to play the video you've recorded, too. With luck, your children's memories of the trip will last far longer than the trip itself. —Melinda Dock

Sightseeing Sites

Find more tips for terrific trips at these family-friendly Web sources:

Roadside America (www.roadsideamerica.com) Find weird and wonderful tourist attractions, from the World's Largest Cheats to the Buggy Creek Monster to the Smallest Church in all States.

America's Byways (www.byways.org) Why stick to those boring old highways? This government site has photos, maps and details about the most scenic and legendary drives in the country.

We Just Got Back (www.wejustgotback.com) Here's the inside skinny on top road-trip destinations from families who've already been there—and lived to tell the tale.

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by Sandra Gordon
& the Editors of CONSUMER REPORTS



At specialty boutiques, you'll see high-maintenance fabrics that require ironing or dry cleaning, such as linen and cashmere, as well as hand-knit items.

Major brands of infant wear can be found in leading department stores and retail chains across the country, online, and in catalogs. They include, in alphabetical order: Baby Gap (www.babygap.com), Baby Lulu (www.babylulu.com), Baby Style (www.babystyle.com), Bunnies by the Bay (www.bunniesbythebay.com), Carter's (www.carters.com), First Impressions Baby (available at www.marcys.com), Flapdoodles (www.flapdoodles.com), Good Lad (www.goodlad.com), Gymboree (www.gymboree.com), Halo Innovations (for sleep sacks, also known as wearable blankets, www.haloinnovations.com), Hanna Andersson (www.hannaandersson.com), Lands' End (www.landsend.com), Little Me (www.littleme.com), Mulberrybush (www.mulberrybush.com), Old Navy (www.oldnavy.com), Pumpkin Patch (available at www.nordstrom.com), Ralph Lauren (www.pole.com), Talbots Kids (www.talbotskids.com), and Tommy Hilfiger (available at www.marcys.com). Many of these brands can also be found at mass retailers and e-tailers such as www.target.com, www.habibmrcus.com.

FOOTWEAR FOOTNOTES: LOSE THE SHOES

Shoes complete the outfit for kids, but wait until your child begins walking—usually at 9 to 14 months—before buying her first official pair of shoes. That's when a child really needs them. Jane Anderson, D.P.M., a spokeswoman for the American Podiatric Medical Association, recommends picking a first shoe with flexibility, which helps the foot develop its arch. "Try to bend the shoe in half," she says. "If it bends easily, it's a good shoe." The best shoes also have traction on the bottom so your baby won't slip easily. A shoe doesn't have to be expensive to be flexible, but in Anderson's shopping experience, the most flexible shoes are higher-ticket brands. In our opinion, that might include Merrell (available at www.shoes.com), Nina Kids (available at leading e-tailers such as www.zappos.com), Pediped (www.pediped.com), Stride Rite (www.striderite.com), and Umi (www.umishoes.com). And, adds Anderson, stores that sell higher-ticket brands generally have experienced sales help to make sure you buy the right size. You'll want some room at the toe, but not so much that your child will trip. Also, keep in mind that toddlers kick off anything and everything, so look for flexible shoes that lace. They're harder to take off than shoes with Velcro closures.

To keep your prewalker's feet warm outside on cool days, look for soft, elasticized baby socks or booties that cling to the feet so your baby can't kick them off. You don't have to buy the leather baby shoes you'll see everywhere, which can easily run you \$25 per pair or more, and which your baby will outgrow quickly.



pediped footwear | Sneak-Soft Baby Shoes | Infant Toddler Baby Shoes |

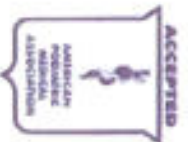
[home](#)
[shop](#)
[why pediped™?](#)
[originals](#)
[flex](#)
[testimonials](#)
[photo gallery](#)
[media](#)
[store locator](#)
[contact us](#)




[shop online](#)
[items: 1](#) [subtotal: \\$30.00](#)
800.880.1245 (US only)

awards and recognition

American Podiatric Medical Association (APMA)
- Seal of Acceptance -



pediped™ footwear is proud to announce that it has been awarded the American Podiatric Medical Association Seal of Acceptance. The APMA Seal Program recognizes products that contribute to better foot health. For more information, please visit www.apma.org.



Earnshaw's Infants', Girls' and Boys' Wear Review

Earnshaw's

'Best Children's Footwear'
Earnie Award



**'Most Innovative New Brand'
Earnie Award**



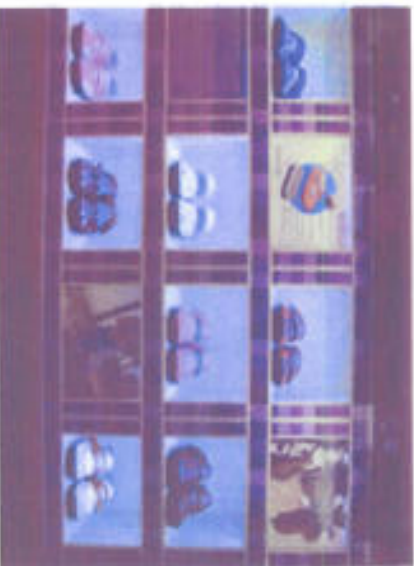
pediped™ footwear was awarded 'Best Children's Footwear' in 2007 and 'Most Innovative New Brand' in 2005 by Earnshaw's Magazine. For more information, please visit www.earnshaws.com.

**United States Patent & Trademark Office Museum
2006-2007 Exhibition of "Innovations in the Footwear Industry"**

pediped™ footwear is delighted to be featured in the USPTO Museum's "Shoes: Innovations at Your Feet" exhibit which highlights shoe technology past and present. Visitors to the museum can learn the history of patented footwear and view stylish new innovations (such as pediped™). The exhibit offers a view of all kinds of footwear that incorporates 19th century modes as

pediped footwear | Slide-Sole Baby Shoes | Infant Toddler Baby Shoes |

well as recent accomplishments of today's footwear industry fashion. This museum was developed and is maintained by the National Inventors Hall of Fame Foundation, Inc.



The United States Patent & Trademark Office Museum
500 Dulany St., Madison West, Suite 1C65
Alexandria, VA 22314
(571) 272-0095

http://www.invent.org/about/invent_now/4_3_1_plotmuseum.asp

July 2006 - March 2007

Better Business Bureau

pediped™ footwear is happy to announce that it is a proud member of the Better Business Bureau of Southern Nevada.



The National Parenting Center
- Seal of Approval -



pediped™ footwear has been awarded The National Parenting Center's Seal of Approval. This honor is given to the finest children's products on the market. Our shoes were evaluated by a panel of parents and children in a variety of categories. Testers labeled our shoes as beautifully crafted, durable and adorable. To read more about the National Parenting Center please visit www.tnpsc.com.

about pediped™	Originals™ Collection	Flex™ Collection	product info	corporate	customer service
about us	gifts boys	gifts boys	faq sizing	wholesale inquiries retailer login	order tracking exchanges & returns
awards & recognition	spring/summer 2008	spring/summer 2008	shipping	affiliate program	provide feedback
celebrity fans	best sellers	best sellers	gift giving	charitable donations	suggest a new style
press releases	features & benefits	features & benefits	product safety	careers	suggest a store
			care instructions		tell a friend

-----Original Message-----

From: momsinbusiness@gmail.com [<mailto:momsinbusiness@gmail.com>] **On Behalf Of** Gina Robison-Billups

Sent: Monday, April 07, 2008 5:21 PM

To: deannebrian@embargo.com

Subject: angela's nomination letter

Angela Edgeworth
Pediped

Dear Ms. Edgeworth,

We are very proud to inform you that you have been nominated for the *Create Your Dreams 2008 National Working Mother of the Year Award* from the Moms In Business Network and The International Association of Working Mothers. This prestigious *National Working Mother of the Year Award* is given a woman who is currently balancing career, family and motherhood. A woman who is a leader in business, the arts and the community. **Congratulations!**

A few of the previous honorees of this award include: Carol Lavin-Bernick, Chairman of Alberto-Culver Company, Julie Clark, Founder and Creator of Baby Einstein, and Joy Thomas, Sr. Vice President at Baxter Intl.

Moms In Business Network and its sister association The International Association of Working Mothers, is the only association that represents the interests of the nearly 60 million working mothers in the United States and millions more around the world. We also award two women business owners each with a \$10,000 grant package. The gala benefits The International Association of Working Mothers, a non profit organization, to help further its mission of supporting working mothers toward independence, education, and safety. **The Create Your Dreams Awards Gala is the only nationally recognized awards gala honoring the accomplishments of working mothers.**

This year's event will be held on Saturday, May 10, 2008 at the luxurious resort destination, Loews Hotel, in Lake Las Vegas, Nevada. The event will include cocktail reception, gourmet dinner, awards show, live entertainment, and a VIP-After-Party for our honorees and sponsors. We will also host a private presidential reception for the honorees on May 9th.

Please contact us to confirm that you are able to attend the gala to accept this award. More information about the gala is enclosed.

Congratulations again on being nominated for this outstanding award.

Sincerely,

I. ***Gina Robison-Billups***

Gina Robison-Billups

President/Founder

Direct Line: 702-353-1392

--
Moms In Business Network

www.mibn.org

The International Association of Working Mothers

www.iamaworkingmother.org

Mom's Vote Matters

www.momsvotematters.org

Enjoy the Ultimate Mother's Day Weekend with Us!

Attend the 2008 Create Your Dreams Awards

www.createyourdreamsawards.com

2005 EARNIE AWARD NOMINEE



EARNSHAW'S
The Voice of Children's Wear
for over 80 years

2005 NOMINATION AWARD

Presented to

Pedipeds

For Excellence in Design

Most Innovative New Brand

ROSS GARNICK, Publisher

EXHIBIT 5



Sweet soles

Harvey & Brown

REPORT BY LYNETT PETER

A cushy treat for tiny feet

Pediped shoes, that fabulous line of infant footwear designed by real-life parents Angela and Brian Edgeworth (and recommended by podiatrists), has some winter/new arrivals for summer. Perfect for play dates at the park or romping around the back yard, the water-soaked shoes are made with a double layer of leather, plus a foam pad on the sole for extra cushioning. Velcro fasteners add even more comfort and convenience. Indeed, as "the new best thing to have for," pedipeds are certainly making the rounds in Hollywood, with Julia Roberts, Courteney Cox and Britney Spears counted among the footwear fans. \$26-\$30, pediped.com.

ARTISTS: AL BOWEN



Soles, where the carapian is named after and where the Pimpadour has original ed. Greer for budding shoeders: \$5.99. Scholastic Store, 450 Central Park Ave. Scarsdale, 726-7201, scholastic.com

10 Baby Steps

Even infants need to step out in style this season. And that's where pediped comes in. A favorite among celebrities like Julia Roberts and Courteney Cox, their new line includes over 30 different styles. Made from quality leather, you'll find everything from embroidered Mary Janes to moccasins (\$25-\$30). Baby Bee's, 36 Main St., Tarrytown, 524-5142; Miller's, 325 Mamaroneck Ave., Mamaroneck, 695-5070; Twinkle Toes, 1943 Palmer Ave., Larchmont, 833-1455, pedipedbabyshoes.com



[http://www.pedipedbabysshoes.com/Images/assets/Chicago Tribune Article.jpg](http://www.pedipedbabysshoes.com/Images/assets/Chicago_Tribune_Article.jpg)

Chicago Tribune

Welding past the gas pump

Q

QUANTUM

This little piggy went to market ...

and five to four lost as hip styles at whopping prices

N



Tap 2 the facts

Read the facts on this website or download the facts on this website. When you tap the facts, you will get walking.

By Thomas Friedman

March 27, 2008

THE



Pediped
800-880-1243
www.pediped.com

Little feet need little shoes,
and these are some of the most
darling. Look here for leather
shoes in very grown-up styles.

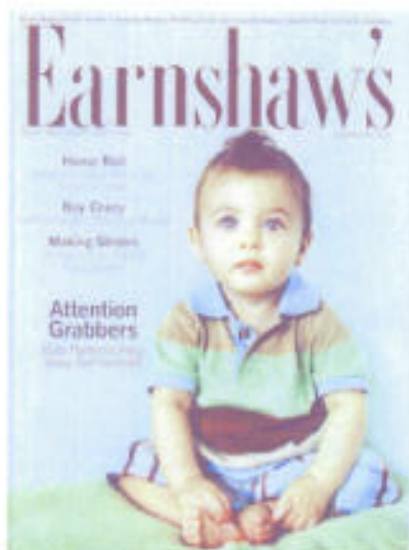




◀ Finding fashionable footwear for little ones can be a sizeable "feat," but two companies are making parents' hunt a little easier.

Pedipeds, started by Nevada's Angela and Brian Edgeworth, combine style and soft soles to suit boys and girls, up to 2 years of age. Soft soles "enable children's feet to grow naturally and to develop musculature and strength," says Pedipeds' mission statement.

Trumpette socks also showcase an alternative to the traditional hard-soled shoe. The California-based company, founded by Jon Stevenson, specializes in whimsical socks — think animal prints, roses or ballet slippers — for youngsters. Bec & Sam's, 6612 Telegraph Road, Bloomfield Hills, 248-539-0500; The Purple Bear, 244 E. Maple Road, Birmingham, 248-645-0400; and Oleboken, 711 N. Fourth Ave., Ann Arbor, 734-668-1887.



B *Pediped Rolls Out Rubber-Soled Shoes for Big Kids*

Beginning in February, parents disappointed their children have outgrown Pediped's flexible-soled line of footwear for ages 0 to 24 months will have a new option. A rubber-soled footwear collection for children 2 to 6 years old will be available in U.S. and international stores for Spring '08.

Based in Henderson, Nev., Pediped is known for its podiatrist-recommended soft-sole, easy and toddler shoes which support natural foot motion for children's

growing feet and can be worn indoors and outdoors for play and normal walking. The new styles for older children will be consistent with Pediped's signature design. Twelve girls' styles and 8 boys' designs will be available in sizes 6 to 12, including slip-on sneakers, runners, flip-flops, Mary Janes and open-toe sandals that incorporate designer fabrics, patterns and more. The shoes, which wholesale for \$19 to \$34, will debut on the vendor's Web site before hitting retail next spring. Contact Pediped at (800) 880-1245 or visit www.pediped.com.





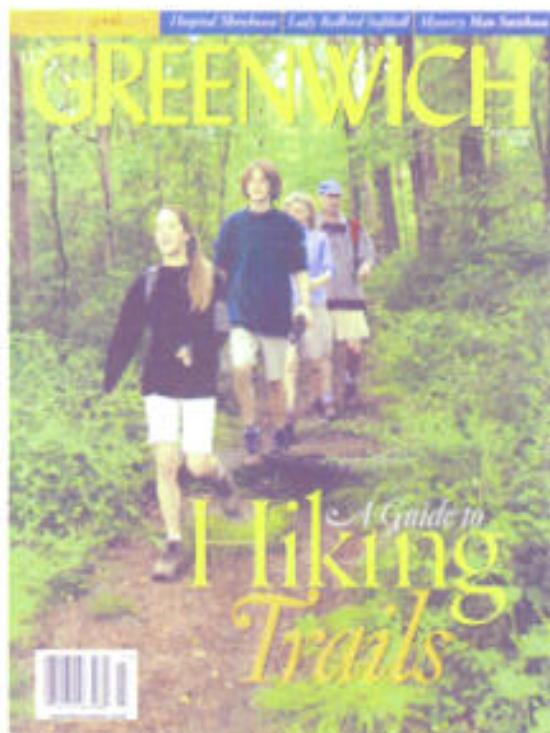
family | fashion & accessories



wee style

Dwellbaby's 1950s-inspired Rican Mini **crib net** (\$315) will make you want to crib your 10' x 14' (you can, with Dwell's adult line, Silhouette). Barn Dandy's small-scale "Snick" **lunchbox** (\$56) showcase owner Polly Wilson's original whimsical designs. Pediped's soft-soled leather **shoes** (about \$29) with Velcro closures reinterpret traditional favorites, such as penny loafers and Mary Janes.

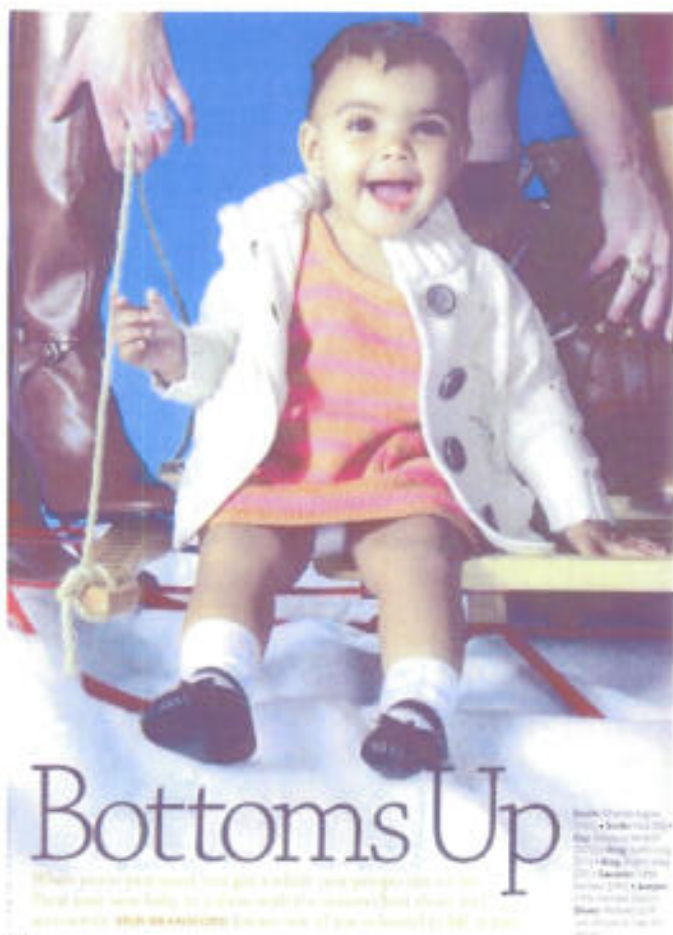




Stepping out with your baby means a new pair of shoes. Once with soft, cushioned soles that bend and made from a breathable fabric like 100 percent leather and have a broad toe and a flat heel for stability. **Feeder** shoes (\$28-\$32) come in over-the-toe styles for boys and girls, sizes ages birth to 18 months from 12 months. Available at Nordstrom or pinkpol.com. —G.T.A.









Fresh, fashionable finds for your little one this season.

springtime cool



1 Think Spring Cute patterns and great colors are trademarks of children's clothing company Z Gallerie, and their Spring Collections are no exception. Hooded Zip-Up in Red (\$34.00), Catana Striped T-Shirt (\$24.00) and Explorer Shorts in Green Top (\$26.00). All items available on www.zgallerie.com.

2 Soft and sweet for little feet A new age from the "Lambie" so many children (and parents!) have come to love, TAGGIE® Toys are a super comfortable, fun way to dress up your little one's feet, and it keeps them happy, too! Teddy Bear TAGGIE® Toys (\$4.95) are available on www.taggie.com.

3 Smart design, happy preemies The innovative preemie clothing designs from Anew's, LLC, ensure a more comfortable experience for your preemie, even if they are dealing with special situations, heart monitors and more. Tubes are the outside held in place, labels are on the outside of garments, and wires on the front means you never have to undo the baby to adjust tubes and wires. Sleeper with Front Opening in Lavender, Teddy Bear & Giraffe (\$19.95) on www.anewspreemie.com.

4 Second only to bare feet These cute shoes make us want to run out and buy a few for our own little ones! The well-made, hand-stitched designs from Puddles are 100 percent leather, allowing little feet to develop naturally while providing optimal support, protection and fit. Plus they're easy to get on and off! "Caroline" in Pink, "Liam" in Light Brown and "Wendy" in Red (\$29.00) available on www.puddles.com.

5 Double the choices for little ones The Little Lambie line from Huggies offers two sizes, Preemie (up to 4 pounds) and Just Born (5-7 pounds). A soft palette is perfect this Spring and so we all know, the lining makes a big difference when it comes to diapering and changing your preemie. Long Johns in Butter Stripes (\$25.00). Diapers (\$17.00) are www.huggies.com.





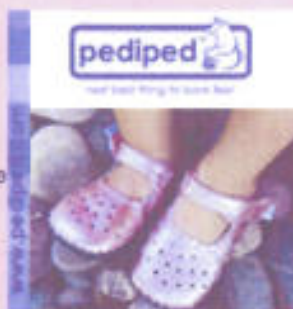




MARCH 20, 2007

Comfy shoes for baby from PediPeds

So I just got the baby a bunch of shoes from PediPeds. With his big brother, I only did a couple pairs of Robeez early on - and I never really loved them, look wise or other. Not that there is anything wrong with Robeez - they have a quality product - but I've never been a huge fan of the soft-soled look on babies. But as this site grew, Julie became the guru on soft-soled shoes and I kept hearing her talk about PediPeds. So when I recently had #2, I knew I wanted to check them out.



So I got a couple pairs to use with him in the summer and fall. I really love the look. They are soft-soled, which is important with babies who are learning how to walk. (As they grow and learn how to walk, if your baby has to be in shoes instead of being barefoot, soft-soled is recommended due to development purposes.) They have black soles that are stitched on (cute), and 100% leather. They got up to 24 months. And love that they close with velcro and not elastic - seems easier when slipping them on and off squirmy feet. And personally, I think the styles are really classic looking.

CELEBRITY BABY BLOG

Sponsor: pediped footwear has celeb following

By Gina Maher



pediped™ footwear combines comfort, quality and style to provide a soft-soled shoe that is great for indoor and outdoor use yet pediatrician recommended. Made from premium leather, pediped™ provide the ultimate in baby comfort. Because of its many beneficial attributes that promote quality foot health, pediped™ has just been

awarded the prestigious 'Seal of Acceptance' by the *American Podiatric Medical Association* and is also featured in *Consumer Reports*® 2007 Best Baby Products guide.

pediped™ also has a large celebrity following. **Angelina Jolie** was recently spotted purchasing pink Lauren loafers for her daughter Shiloh. Other celebrity fans include **Heidi Klum**, **Julia Roberts**, **Jon Stewart**, **Denise Richards** and **Britney Spears** (just to name a few).

Recommended by podiatrists and pediatricians alike, pediped™ footwear are a smart choice for fashion conscious parents concerned with the long-term development of their children's feet.

EXHIBIT 6



daughter's touch studio

THE COLLECTION

ABOUT JACK AND LILY

STORE LOCATOR

CONTACT US

Shopping Bag Customer Service Size Chart

Back to Homepage

NEW STYLES for BABIES AND TODDLERS

FREE REGULAR SHIPPING ENTER CODE (FREESHIP) AT CHECKOUT. US/CANADA ONLY.



pink / white metallic sneaker
(1096)



pink / white sneakers (1009)



purple / white metallic sneaker
(1018)



blue / white metallic sneaker
(1007)



white / silver metallic sneaker
(1005)



pink / white sneakers
(1154)



pink / white sneakers
(1107)



pink / white sneakers
(1107)



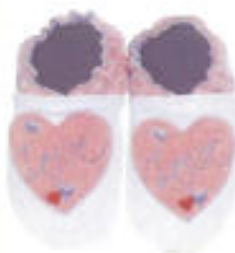
pink / white sneakers
(1103)



pink / white sneakers
(1102)



love hearts (1400)



love hearts (1400)



daisy patch (1204)



saddle shoe (1115)



lovely bunnies (1319)



lovely bunnies (1300)



shining stars (1412)



shining stars (1304)



puffin penguins (1320)



jelly shoes (1404)



perfect princess (1401)



brighter days (1200)



adorable baby bear (1201)



beautiful beetle (1405)



love hearts (1200)



precious poodle (1317)



flower's whisper (1207)



lovable bear (1202)



saddle shoe (1113)



meow kitty (1314)



sailboats (1500)



perfect penguins (1519)



cheeky monkey (1307)



handsome prince (1430)



adorable baby bear (1520)



zooming jet plane (1502)



lovely giraffe (1506)



jolly toad (1463)



playful pandas (1517)



roaring lion (1504)



bubly baby whale (1522)



dewy daisy (1201)



charming fish (1523)



love flower (1206)



sleeping snow bunnies (1515)



enchanted cat (1525)



glorious butterfly (1518)



charming frog prince (1517)



flying dragons (1516)



soccerball (1402)



football (1029)



baseball (1500)



bubbly baby whale (1521)



adoring elephant (1502)



cheery choo choo (1501)



playful poppy (1511)



friendly giraffe (1504)



sweet cherries (1506)



cheeky monkeys (1503)



pawful - pink (1505)



pawful - blue (1507)



sandal - chocolate (1509)



sandal - cream (1506)



sandal - white (1508)



cream / rosy tiger (1504)



blue / orange trainer (1504)



cream / red trainer (1504)



pink / fluffy trainer (1507)



cream / brown trainer (1502)



sandal - cream (1509)



solid - blue (1101)



solid - navy (1104)



solid - pink (1100)



solid - white (1102)



solid - chocolate (1103)



pretty - pink, bow (1111)



pretty - white, bow (1112)



my boots / dark (1104)



my boots / blue (1102)



my boots / brown (1103)



my boots / green (1105)



my boots / pink (1103)

[Catalogue Request](#) [Shipping](#) [Return Policy](#)

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©2008 Jack and Lily. All Rights Reserved. Soft-foam footbeds

back support

extraordinary

comfortable

and a new way

to feel good

Forever. Thank you.

EXHIBIT 7



EXHIBIT 8



discovering touch world

THE COLLECTION

ABOUT JACK AND LILY

STORE LOCATOR

CONTACT US

Shopping Bag

Customer Service

Size Chart

Back to Homepage

NEW 'MY SHOES' *by* JACK AND LILY

FEATURING OUR EXCLUSIVE RUBBER SOLE PADS. AVAILABLE APRIL 20TH, 2008



Orchid patch / pink (171)



Orchid patch / mint (172)



Saddle shoe / pink & chocolate (181)



Saddle shoe / black & white (182)



Heart / pink (166)



Heart / chocolate (181)



Unicolor / white (157)



Unicolor / pink (155)



Pinkoosa / mint (181)



Spot / pink (162)



Love / hearts / pink (261)



Hibiscus / navy (148)



Love / chocolate (111)



Lovebirds / chocolate (151)



Bridal / navy (251)



Bridal / chocolate (232)



Anchor / white & light blue (241)



Anchor / navy & light blue (222)



Prince / chocolate (243)



Prince / light blue (244)



Boat / navy & white (201)



Boat / white & green (202)



Sandal / chocolate (402)



Sandal / navy (401)



Bridal / black (231)

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EXHIBIT 9

Jack and Lily #181



pediped Samantha



Jack and Lily #412



pediped Olivia



Jack and Lily #411



pediped Katelyn



Jack and Lily #402



pediped Colin



Jack and Lily #171



pediped Abigail



Jack and Lily #251, #252



pediped Tyler (Navy, Brown)



Jack and Lily



pediped



Jack and Lily



pediped



pediped



Jack and Lily



EXHIBIT 10



THE COLLECTION

ABOUT JACK AND LILY

STORE LOCATION

CONTACT US

[Shopping Bag](#)
[Customer Service](#)
[Size Chart](#)
Hand in Hand

NEW STYLES / BABIES AND TODDLERS

FREE REGULAR SHIPPING. (WITH CODE (FREESHIP) AT CHECKOUT. US/CANADA ONLY)



Jack and Lily

Saddle shoe / pink & chocolate (181)

A modern classic.

A beautiful saddle shoe in pink and chocolate brown. Detailed with scalloped edging and pink top stitching. Chocolate brown sole.

Features:

- A true soft-sole shoe that can be used Indoor and Outdoor
- Non-toxic, breathable, premium grade 100% leather
- Flexible and durable rubber sole pads add extra grip
- Soft and flexible leather soles
- Genuine suede lining
- 3mm cushioned soles and cushioned ankle protection
- Ultra-light and flexible providing ultimate comfort
- Velcro makes it easy to put on and stay securely in place
- Perfect for pre and new walkers
- Recommended by Podiatrists



Jack and Lily shoes are packaged in our clear, keepsake bag. [click to view.](#)

login 

shopping cart

items: 1 subtotal: \$30.00

home shop why pediped™? originals flex testimonials photo gallery media store locator contact us

Add To Cart Overview **Sizing** Awards **Reviews** Related

Details

The luxury of leather with the convenience of easy wear, the Samantha is a two-toned treat for your toddler. Available in pink/brown.

Features

Soft, Cushioned Leather Soles - Made with a double layer of leather plus a foam pad on the soles for extra cushioning, pediped™ footwear provide infants with the ultimate in comfort and protection.

Velcro Fasteners - pediped™ footwear feature velcro fasteners that make them quick and easy to put on (even with just one hand). And they stay securely on babies' feet.

Indoor/Outdoor Use - pediped™ footwear provide the benefits of a true soft-sole, yet are ideal for both indoor and outdoor use.



EXHIBIT 11



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Jack & Lily My Shoes Pre-order...Prince

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Item number: 320238198679

[Watch this item](#) in My eBay



Buy it Now price: **US \$30.00** [Buy It Now >](#)

End time: **Apr-19-08 17:16:57 PDT** (8 days 9 hours)

Shipping costs: **To United States -- US \$8.00**
Canada Post Small Packets - USA - Ground Service to [United States](#) (more services)

Ships to: Worldwide
Item location: northwestern ontario, Canada
Quantity: 4 available
History: [Purchases](#)

You can also:

[Watch This Item](#)

[Get mobile or IM alerts](#) | [Email to a friend](#)

[Listing and payment details:](#) [Show](#)

Description

[my1princeand2princesses](#)

Meet the seller

Seller: [montio1ba2gs](#) (175 ★)

Feedback: **96.3% Positive**

Member: since Aug-23-07 in Canada

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Other items

Auctiva Store: articcattan2007



Jack & Lily My Shoes
Pre-order
Dressn'Pink



No More Messes!
Reel the Drips! Sticks



Bug & Pickle Nipple
Cream



Boys Mox 24 month
1st, 2nd, 3rd



Boys Dicksies
Shorts 24-36



Boys Fire

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New in Box. Be the first to get Jack & Lily's new shoes....MY SHOES!!! They are due to arrive early April..they will ship to you as soon as I receive them. These are awesome shoes and will sell out quickly!! Similar to Pedipeds, these are a must for this spring. Available in 6-12, 12-18 and 18-24 mths. Please specify size when BIN.

Thanks



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Crochet Hats..any colour..any size. 12 mths-5T

Boys Sketchers Shorts 3X EUC



Boys Gap Shorts 4T & Tee EUC



Boys Mexx 24 mths Lot, EUC



Buy It Now **US \$16.99**

Time left: 3d 8h 58m

0 bids:

Time left:

US \$3.99

5d 9h 32m

0 bids:

Time left:

US \$3.99

5d 9h 32m

0 bids:

Time left:

US \$3.99

5d 9h 33m

 Visit seller's Store

Shipping and handling

Ships to Worldwide		Country: United States		<input type="checkbox"/>	Quantity: 1	<input type="button" value="Update"/>
Shipping and Handling		To	Service		Insurance	
US \$8.00		United States	Canada Post Small Packets - USA - Ground		None	

Return policy

Return policy not specified.
Read item description for any reference to return policy.

Payment details

Payment method	Preferred/Accepted	Buyer protection on eBay
     	Accepted	 Up to \$200 in buyer protection. See eligibility
Money order/Cashiers check	Accepted	Not Available
Personal check	Accepted	Not Available

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Item title: Jack & Lily My Shoes Pre-order...Prince

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Buy It Now

Buy It Now price: US \$30.00

Your Quantity: x 1

[Buy It Now >](#) You will confirm in the next step.

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